

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-16-123
-vs-)	
)	DECISION
ANGELA CHRISTINE EVANS,)	
)	
Defendant.)	

January 25, 2017, the District Court sentenced the Defendant to a commitment of five (5) years to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs with Intent to Distribute, a felony, in violation of 45-9-103, MCA; and to a commitment of five (5) years to the Department of Corrections for the offense of Count II: Criminal Possession of Dangerous Drugs, a Felony. Counts I and II were ordered to run concurrently. The Court recommended screening for Elkhorn. The Court granted the Defendant credit for time served prior to sentencing in the amount of 225 days.

On April 7, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Lake County jail and was represented by Peter Ohman of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of April, 2017.

DATED this 24 day of April, 2017.

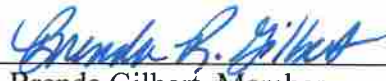
SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson




Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 27 day
of April, 2017, to:

Clerk of District Court (Original)
Angela Christine Evans #3020629, Defendant (2)
Hon. James A. Manley
Peter Ohman, Defense Counsel
James A. Lapotka
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division